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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,936	04/16/2001	Mark Vange	CIRC017	5614
25235	7590	08/11/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/835,936

Applicant(s)

VANGE, MARK

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

Claims 1-17 are currently presented and have been examined.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 July 2005 has been entered.

***Response to Arguments***

Applicant's arguments filed 25 July 2005 have been fully considered but they are not persuasive.

The Applicant argues that Ebata does not disclose a web server within the intermediary server that formats obtained data into a web page that is responsive to a particular web request. The Examiner is not persuaded by this argument. Ebata discloses:

"As mentioned above, the proxy server may operate to temporarily cache the resource or the data referenced once by itself in a storage medium such as a disk and give back the data temporarily cached in the disk to the clients on the LAN side who have issued the referring requests without having to access

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the server on the WAN side if two or more requests for referring to the resource or the data given by the clients take place at a time. The proxy server provided with this type of function is referred to as a proxy cache server. The proxy cache server helps to curtail the traffic on the WAN. It is more advantageous to the user, because the communications on the WAN is lower in speed and higher in cost than those on the LAN." (column 2, lines 33-45)

The Examiner has interpreted the claimed intermediary server as a proxy cache server as disclosed in Ebata. As is conventionally known in the art, a proxy cache server contains a Web server that allows clients to retrieve Web data including Web pages from the cache of the proxy cache server instead of retrieving the data from the origin Web server. The Applicant argues that Ebata does not teach that the intermediary server does not respond to particular web requests and teaches that the server only relays data to two or more clients who may refer to the same data at the same time. However, a proxy cache server does not only contain this functionality. As is known in the art, a proxy cache server caches a plurality of Web resources including Web pages and produces any Web resource when any client or plurality of clients request it. The Examiner submits the Wikipedia and Free Online Dictionary of Computing entries

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for "Proxy server" as evidence of the level of one of ordinary skill in the art at or around the time of invention as to the plain meaning of the term "proxy cache server" (a.k.a "proxy server" or "caching Web proxy" as shown in "Proxy server").

Therefore, it is clear that Ebata inherently discloses a web server within the intermediary server that formats obtained data into a Web page that is responsive to a particular Web request based on the extrinsic evidence presented and the claims are not in condition for allowance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 513 061 B1 to Ebata et al.

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Regarding claim 1, Ebata discloses a web server system comprising:

a plurality of client applications coupled to a communication network and generating web access requests; (column 2, lines 21-59, specifically lines 25-32)

an intermediary server ("proxy cache server") coupled to the communication network to receive the web access requests; (column 2, lines 21-59, specifically lines 29-32)

a data storage mechanism ("server on the WAN side" or "resource") coupled to the network and having an interface for communicating with the intermediary server; (column 2, lines 21-59, specifically lines 29-32)

means within the intermediary server responsive to a received web access request for establishing a channel with the data storage mechanism to obtain data from the data storage mechanism in response to a received web access request (column 2, lines 21-59, specifically lines 29-32); and

a web server within the intermediary server for formatting the obtained data into a web page that responsive to a particular web access request. (column 2, lines 21-59, specifically lines 33-41)

Regarding claim 2, Ebata discloses the web server system of claim 1 wherein at least one of the client applications

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comprises a web browser application and the web access requests comprise HTTP requests. (column 2, lines 12-14 and 33-41)

Regarding claim 3, Ebata discloses the web server system of claim 1 wherein the intermediary server comprises a web server having a first interface for receiving the web access requests and a second interface operable communicate with the data storage mechanism interface. (column 2, lines 21-59, specifically lines 29-32)

Regarding claim 4, Ebata discloses the web server system of claim 3 wherein the intermediary server is topologically close to the client applications and topologically distant from data storage mechanism. (column 1, lines 44-57; column 2, lines 33-41)

Regarding claim 5, Ebata discloses the web server system of claim 1 wherein the intermediary server comprises:

a front-end computer (Figure 1, element 2) located topologically close to the client application and configured to receive the web access requests (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically lines 61-65)

a back-end computer (Figure 1, element 7) located topologically close to the data storage mechanism and configured to communicate with the interface of the data storage mechanism

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(column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65); and

a communication channel ("WAN"; Figure 1, element 10) between the front-end and back-end computers (column 6, lines 50-65, specifically line 50).

Regarding claim 6, Ebata discloses the web server system of claim 5 further comprising a web server implemented within the front-end computer. (column 1, lines 44-57; column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65)

Regarding claim 7, Ebata discloses the web server system of claim 1 wherein the data storage mechanism further comprises:

a database operative to return selected database contents in response to queries; instruction processor operative to generate queries against the database and receive data returned by the database. (column 2, lines 21-59, specifically lines 29-32)

Regarding claim 8, Ebata discloses the web server of claim 7 further comprising:

means within the intermediary server (Figure 3, element 24) for generating a remote procedure call directed to the data storage mechanism; and means within the instruction processor (Figure 2, element 13) for executing the remote procedure call

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to generate a query against the database in response to receiving the remote procedure. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 9, Ebata discloses the web server system of claim 7 further comprising means within the instruction processor (Figure 2, element 13) generating a remote procedure call directed to the intermediary server; and means within the intermediary server (Figure 3, element 24) for executing the remote procedure call to generate web page responsive to a particular web access request. (Figure 3, element 24; column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 10, Ebata discloses the web server system of claim 1 further comprising:

a resolver mechanism ("dynamic DNS server") for supplying a network address of the intermediary server to the client applications, wherein the resolver mechanism dynamically selects a particular intermediary server from amongst a plurality of intermediary servers. (column 4, lines 34-56, specifically lines 49-56)

Regarding claim 11, Ebata discloses a method for serving web-based content comprising:

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providing a communication network; ("WAN")

generating requests for web content using a plurality of client applications coupled to the network; (column 2, lines 21-59, specifically lines 25-32)

providing an intermediary server ("proxy cache server") coupled to the network to receive the requests for web content from client applications; (column 2, lines 21-59, specifically lines 29-32)

providing a data server ("server on the WAN" or "resource") coupled to the network and having an interface for communicating with the intermediary server; (column 2, lines 21-59, specifically lines 29-32)

causing the intermediary server to access the data server in response to receiving a request from a client application; (column 2, lines 21-59, specifically lines 29-32)

using the intermediary server, generating a web page particular to the received request using the database content obtained from the data server; and delivering the web page to the client application that generated the request for database content. (column 2, lines 21-59, specifically lines 33-41)

Regarding claim 12, Ebata discloses the method of claim 11 wherein generating requests for web content comprises generating an HTTP request. (column 2, lines 12-14 and 33-41)

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Regarding claim 13, Ebata discloses the method of claim 11 wherein the intermediary server is topologically close to the client applications and topologically distant from the data storage mechanism. (column 1, lines 44-57; column 2, lines 33-41)

Regarding claim 14, Ebata discloses the method of claim 11 wherein the step of providing an intermediary server comprises:

providing a front-end computer (Figure 1, element 2) located topologically close to the client application and configured to receive the requests for web content; (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically lines 61-65)

providing a back-end computer (Figure 1, element 7) located topologically close to the data storage mechanism and configured to communicate with the interface of the data storage mechanism (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65); and

maintaining a communication channel ("WAN"; Figure 1, element 10) between the front-end and the back-end computers. (column 6, lines 50-65, specifically line 50)

Regarding claim 15, Ebata discloses the method of claim 11 further comprising:

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causing the intermediary server to issue a remote procedure call to the data server over the established channel to initiate the transport of data. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 16, Ebata discloses the method of claim 11 further comprising: causing the data server issue a remote procedure call to the intermediary server over the established channel to initiate the formatting and delivery of the database content using the data obtained from the data server. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 17, Ebata discloses the method of claim 11 further comprising:

supplying a network address of the intermediary server to the client applications by dynamically selecting a particular intermediary server from amongst a plurality of intermediary servers. (column 4, lines 34-56, specifically lines 49-56)

### **Conclusion**

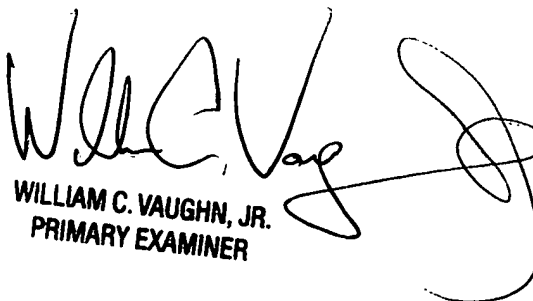
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER